

EXHIBIT A

UNDER PROTECTIVE ORDER

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al,

Plaintiffs,

-vs-

Civil Action No.

4:20-cv-00957-SDJ

GOOGLE LLC,

Defendant.

VIDEOTAPED DEPOSITION OF CHUCK HARDER
TAKEN ON BEHALF OF THE DEFENDANT
ON MAY 1, 2024, BEGINNING AT 8:51 A.M.
VIA ZOOM

APPEARANCES

on behalf of the PLAINTIFFS

Ms. Amanda Wentz (Via Zoom)
ARKANSAS ATTORNEY GENERAL'S OFFICE
323 Center Street
Suite 200
Little Rock, Arkansas 72201
(501) 682-2007

(Appearances continued on next page.)

REPORTED BY: Shannon S. Harwood, CSR, RPR, CRR
Job No. CS6663791

UNDER PROTECTIVE ORDER

Page 2

1 (Appearances continued.)
2 Mr. Clark Kirkland (Via Zoom)
Ms. Rebecca Hartner (Via Zoom)
3 SOUTH CAROLINA ATTORNEY GENERAL'S OFFICE
Rembert Dennis Building
4 1000 Assembly Street
Room 519
5 Columbia, South Carolina 29201
(803) 734-3970
6 ckirkland@scag.gov
7

Mr. Jonathan Wilkerson (Via Zoom)
8 THE LANIER LAW FIRM
10940 West Sam Houston Parkway N
9 Suite 100
Houston, Texas 77064
10 (713) 659-5200
j.wilkerson@lanierlawfirm.com

11 on behalf of the DEFENDANT
12 Mr. Matthew Zorn (Via Zoom)
13 Mr. Chuck Matula (Via Zoom)
14 YETTER COLEMAN LLP
811 Main Street
15 Suite 1400
Houston, Texas 77002
16 (713) 632-8000
mzorn@yettercoleman.com
17 cmatula@yettercoleman.com
18

19 ALSO APPEARING: Mr. Peter Zierlein, Videographer (Via
Zoom) Mr. Dan Acosta, Video Concierge (Via Zoom)
20
21
22
23
24
25

UNDER PROTECTIVE ORDER

Page 3

I N D E X

PAGE

Direct Examination by Mr. Zorn 5

EXHIBITS

Exhibit Description

3. Charges for the attorney general's Good Ad account 19

19. Webpage White River Hardwoods 47

27. Webpage economicimpact.google.com 44

32. Google Ad product use by Tim Griffin 54

33. Google Ads Transparency Center 57

UNDER PROTECTIVE ORDER

Page 15

1 A. Yes, I did.

2 Q. Okay. And just -- just to lead back on -- on
3 one point, we were talking briefly about the State's use
4 of AdWords. Do you recall that discussion?

5 A. Yes.

6 Q. And is it the State's understanding that
7 AdWords is now called Google Ads?

8 A. Yes.

9 Q. So AdWords and Google Ads are the same thing,
10 it's just a different name for the same offering?

11 A. That's my understanding.

12 Q. Okay. For the federal antitrust claim at
13 issue in this case, do you understand what I'm talking
14 about when I say the federal antitrust claim?

15 A. Yes, I do.

16 Q. Is Arkansas proceeding as parens patriae?

17 A. I believe it is.

18 Q. For the federal antitrust claim, is Arkansas
19 also proceeding in its sovereign capacity?

20 A. Yes, I believe it is.

21 Q. Has Arkansas ever asserted sovereign standing
22 to enforce federal law in federal court before now?

23 A. I'm not aware of any.

24 Q. So -- so this is a very new thing for the
25 State of Arkansas to assert sovereign standing to

UNDER PROTECTIVE ORDER

Page 16

1 enforce federal law, fair?

2 A. I -- I don't know if it's new or not. I'm --
3 I -- I can testify I don't know of anything, so I don't
4 -- but I can't testify that it hasn't been done
5 elsewhere.

6 Q. And for state law claims, Arkansas is
7 similarly proceeding *parens patriae*, right?

8 A. Yeah, that's set forth in the amended advisory
9 regarding relief sought. For the state law antitrust
10 claims, *parens patriae* for the injunctive relief, *parens*
11 *patriae* and statutory relief for the civil penalties
12 and costs and attorneys' fees under the antitrust. For
13 civil penalties, sovereign capacity under the Arkansas
14 Deceptive Trade Practices Act, *parens patriae* under the
15 Arkansas Deceptive Trade Practices Act and Arkansas is
16 also asserting recovery under that act for attorneys'
17 fees and investigative expenses and other equitable
18 relief.

19 Q. And so just to shorten up the discussion, the
20 State of Arkansas stands by everything that's said in
21 that document as its position today, fair?

22 A. Yes, that's correct.

23 Q. And we've discussed how the State of Arkansas
24 uses Google Ads, fair?

25 A. Yes.

C E R T I F I C A T E

Page 70

STATE OF OKLAHOMA)
COUNTY OF TULSA)

I, Shannon S. Harwood, a Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the foregoing is a true and correct transcription of my shorthand notes of proceedings had in Case Number 4:20-cv-957-SDJ heard on the 1st day of May, 2024, and is only valid with my stamped seal and my original signature.

I further certify that I am not related to nor attorney for either of said parties nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of May, 2024.



Shannon S. Harwood, CSR, RPR, CRR